

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

EARLENE M. GARDNER,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-04-1393-L
)	
)	
JO ANNE B. BARNHART,)	
COMMISSIONER OF THE SOCIAL)	
SECURITY ADMINISTRATION,)	
)	
Defendant.)	

ORDER

On September 21, 2005, Magistrate Judge Robert E. Bacharach entered his Report and Recommendation in this action brought by plaintiff for judicial review of the denial of benefits by the Social Security Administration. Based on a failure to consider an impairment and various physicians' opinions, the Magistrate Judge recommended that the court should reverse and remand for further proceedings.

The court file reflects that no party has filed a written objection to the Report and Recommendation within the time limit allowed. Upon *de novo* review, the court finds that the the Report and Recommendation should be and is hereby adopted in its entirety.

Accordingly, the decision of the Commissioner is **REVERSED** and this matter is **REMANDED** for reconsideration of the plaintiff's obesity, an October 2002 EMG report, and the opinions of Dr. Stafford, Dr. Grode, and Dr. James, all in accordance with the September 21, 2005 Report and Recommendation of the Magistrate Judge.

It is so ordered this 27th day of October, 2005.



TIM LEONARD
United States District Judge